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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			EXAMINER	
1420 FIFTH AVENUE			AUGUSTINE, NICHOLAS	
SUITE 2800				
SEATTLE, WA 98101-2347			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/679,796

Applicant(s)

CZERWINSKI ET AL.

Examiner

Nicholas Augustine

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 12-15, 17, 18, 48-54, 57-61, 63 and 84-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 12-15, 17, 18, 48-54, 57-61, 63 and 84-87 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 10/08/2007. This action is made **Final**.
- B. Claims 1-3, 5-9,12-15,17,18,48-54,57-61,63 and 84-87 remains pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9,12-15,17,18,48-54,57-61,63 and 84-87 are rejected under 35 U.S.C. 102(e) as being anticipated by DragThing.

NOTE:

Three separate references are used to construct a single reference of DragThing. DragThing is a software application created in June 1995 with added features to as late as April 2002 (version 4.3) as cited in the DT2 material. Version 1.0-4.3

- I. A DragThing Review from Applelinks herein referred to as **(APPLE)**
(<http://www.applelinks.com/reviews/dragthing-v4.shtml>)
- II. The about information off of the DragThing website using web.archive.org
(Web archive, specializes in archiving the Internet since 1995)
(<http://web.archive.org/web/20020524155927/http://www.dragthing.com/>)
Herein referred to as **(DT1)**
- III. Version history of DragThing from version 1.0 – 4.3 located on the main website of DragThing (<http://www.dragthing.com/english/history4.html>) which each update is dated with specific features added to the software application. Herein referred to as **(DT2)**. The breaks down of the sited versions are as follows:

VERSION: DATE:

4.3	4-11-2002
4.0.1	4-19-2001
1.6	5-1-1996
1.5	1-1-1996
1.01	6-1-1996

It would be inherent that versions (4.3,4.0.1,1.6,1.5,1.01) from earliest to latest included the added functionality as disclosed by James Thomson (inventor of DragThing). Wherein such that the functionality of 1.01 was included in version 1.5, and the functionality of version 1.5 was included in 1.6, it is inherently known in the art of software versions that the programs

add and fix functionality. Since the above versions are all about one solely software program product offering the combined teachings found at <http://www.dragthing.com> as well as the use of web archive (<http://web.archive.org/web/20020409150945/www.dragthing.com/english/history.html>) yields the prior art date of 4-09-2002 (with the release date of 4.3 being marked as 4-11-2002 as indicated on the above link from web archive.

Since the above mention references solely disclose one software application 'DragThing' all three references combined constitutes as a single reference 102 of a product offering.

DragThing is copyright 1994-2002 as mentioned in the cited material.

As for independent claim 1, DragThing teaches in a computer system including a display and at least two software applications, wherein the software applications are represented as graphical windows in a first portion of the display and as graphic controls on a second portion of the display when the software applications are instantiated on the computer system, a method for managing the at least two software applications (DT1, page 2, par.2; wherein the first and second graphical windows is an icon or button as described that represents a current running

process or a shortcut of any component on the computing device, the second portion of the screen being that of the dock and the first portion being that of the desktop (maximize and minimize states) also according to paragraph one this software application is directed towards Macintosh computers, thus presenting the evidence of a computer system which runs this application) comprising: obtaining an indication to organize a first graphic control corresponding to a first instantiated software application and a second graphic control corresponding to a second instantiated software application (DT1, page 2, par.1; user mouse event "drag" indicates a drag and drop action for organization; APPLE, page 2 paragraph 2; how DragThing performs every functionality of the well known "Dock" in Apple Macintosh operating system 10; [http://en.wikipedia.org/wiki/Dock_\(computing\)](http://en.wikipedia.org/wiki/Dock_(computing))); grouping the first and second graphic controls on the second portion of the display (DT2, page 17 paragraph 2 and page 21 par.4; wherein the user can organize the arrangement of groups and content by means of dragging); and automatically displaying the first and second graphic controls as a group within the second portion of the display (DT2, page 21, par.4 and page 18, par.2; wherein the user can group controls together in layers with group controls called tabs which are customizable by arrangement, color, font, name etc).

As for dependent claim 2, DragThing teaches the method as recited in claim 1, wherein obtaining an indication to organize the first and second graphic controls includes obtaining a user manipulation of a selection device to drag and drop the first graphic control on the second graphic control (DT2, page 21, par.4; user drags controls together

to form groups (docks (DT1, page 2, par 3 "... as many docks...") and tabs (DT2, page 18, par.2).

As for dependent claim 3, DragThing teaches the method as recited in claim 2 further comprising displaying a set of guides indicating one or more possible groupings of graphic controls corresponding to a drag and drop on a selected guide (DT2, page 5, last paragraph and page 6, first paragraph; indicator, of course those skilled in the art would appreciate the use of indicators to indicate users dragging options when in the event of dragging).

As for dependent claim 5, DragThing teaches the method as recited in claim 1, wherein displaying the first and second graphic controls as a group within the second portion of the display including displaying a graphic group control for instantiating an action on the first and second graphic controls (APPLE, page 2, par. 3; *resized, color coded, min and maximized*).

As for dependent claim 6, DragThing teaches the method as recited in claim 5, wherein instantiating an action on the first and second graphic controls is selected from a group consisting of minimizing the graphical windows corresponding to the first and second graphic controls (claim 5), restoring the graphical windows corresponding to the first and second graphic controls (APPLE, page 2, par.3 wherein the user can maximize or what is called in the art as window restoration ("to restore a window") as commonly defined in

windows operating system help manuals), closing the graphical windows corresponding to the first and second graphic controls (APPLE, page 2, par.4; quit all running applications under a dock), saving data within the graphical windows corresponding to the first and second graphic controls (of course, those skilled in the art will appreciate that saving information within an application while its in view/ active to the user is commonly known and well understood), and resizing the graphical windows corresponding to the first and second graphic controls (claim 5).

As for dependent claim 7, DragThing teaches the method as recited in claim 1, wherein the displaying the first and second graphic controls as a group within the second portion of the display includes displaying at least a portion of the first and second graphic controls, the method further comprising: obtaining an indication to collapse the group; and displaying the group solely as a group graphic control (note the analysis of claims 1 and 5; putting the group into a tab, using minimize and maximize actions onto the tab graphic).

As for dependent claim 8, DragThing teaches the method as recited in claim 7, wherein obtaining an indication to collapse the group includes: monitoring the frequency of manipulation of the first and second graphic controls; and automatically collapsing the group if the frequency of manipulation is below a threshold level (APPLE, page 2, par.3; wherein the user can assign the action of minimize automatically which works as a delay when the user is not using the group, thus of course those skilled in the art would

appreciate the use of a timer to complete such a task of timed interval that are exceeded from inactivity from the user to perform a function x).

As for dependent claim 9, DragThing teaches the method as recited in claim 7, wherein obtaining an indication to collapse the group includes obtaining a user indication to collapse the group (APPLE, page 2, par.3; wherein groups can be minimized, thus the user whom is operating the system has the option to collapse the group at anytime during interaction).

As for dependent claim 12, DragThing teaches the method as recited in claim 1, wherein displaying the first and second graphic controls as a group within the second portion of the display includes displaying a continuous border around the first and second graphic controls indicating the association of the first and second graphic controls to the group (APPLE, page 2, figure; wherein as depicted in the figure the group called 'application' is color coded and has a border marking the interaction region that the group 'application' covers which controls are : finder, system pre..., acrobat, iTunes, etc.).

As for dependent claim 13, DragThing teaches the method as recited in claim 1, wherein the computer system includes a third software application represented as a graphical window in the first portion of the display and as a graphic control on the second portion of the display when the third software application is instantiated on the

computer system, the method further comprising: obtaining an indication to organize a graphic control corresponding to a third software application into the group corresponding to the first and second graphic control; grouping the third graphic control with the first and second graphic controls on the second portion of the display; and displaying the first, second and third graphic controls as a group within the second portion of the display (APPLE, page 2, figure; wherein is depicted more than 2 controls in the group, note the analysis of the above claims as well).

As for dependent claim 14, DragThing teaches the method as recited in claim 13 further comprising: obtaining a manipulation of the order of the first, second and third graphic controls; and modifying the display of the first, second and third graphic controls as a group in accordance with the manipulation of the order (DT2, page 17-18; organization of groups).

As for dependent claim 15, DragThing teaches the method as recited in claim 1, wherein the group corresponds to a project and wherein displaying the first and second graphic controls as a group within the second portion of the display includes displaying a project control for toggling the software applications corresponding to the first and second graphic controls between a minimized state and a restored state (note the analysis of claims 6,8,9).

As for dependent claim 17, DragThing teaches the method as recited in claim 15, wherein obtaining an indication to organize the first and second graphic controls includes obtaining a user manipulation of a selection device to drag and drop the first graphic control on the second graphic control to organize the first and second graphic controls as a project (note the analysis of claim 2).

As for dependent claim 18, DragThing teaches the method as recited in claim 15, wherein the computer system includes a base project group separate from the project including the first and second graphic controls and wherein the first and second software applications belong to the base project (APPLE, page 2, par.5; wherein the user puts all of a certain project files under one group- these controls as which would be separate from the creation of the project files one could arrange an organization structure as noted in paragraph 5).

As for independent claim 48, DragThing teaches in a computer system including a display and a plurality of software applications, wherein the display includes a desktop for displaying graphical windows and taskbar for controlling the software applications and wherein the plurality of software applications are represented as graphical windows on a desktop portion of the display and as control tiles on a taskbar portion of the display when instantiated on the computer system, a method for managing the plurality of software applications comprising: obtaining an indication to group a first control tile corresponding to a first instantiated software application and a second control tile

corresponding to a second software instantiated application (APPLE, page 2, paragraph 2); grouping the first and second control tiles on the taskbar portion of the display; and displaying the first and second control tiles as a group within the taskbar portion of the display (note the analysis of claim 1; wherein the dock represents a user defined toolbars and the tabs represent user defined groups and the buttons/ icons representing application, files, etc represent tiles).

As for dependent claim 49, DragThing teaches the method as recited in claim 48, wherein obtaining an indication to organize the first and second control tiles includes obtaining a user manipulation of a selection device to drag and drop the first control tile adjacent to the second control tile (note the analysis of claim 2).

As for dependent claim 50, DragThing teaches the method as recited in claim 48 further comprising displaying a set of guides indicating one or more possible groupings of control tiles corresponding to a drag and drop on a selected guide (note the analysis of claim 3).

As for dependent claim 51, DragThing teaches the method as recited in claim 50, wherein the set of guides include a curved carat indicating the inclusion of a selected control tile to a group and a straight line to indicate the exclusion of a selected control tile from a group (note the analysis of claim 4).

As for dependent claim 52, DragThing teaches the method as recited in claim 48, wherein displaying the first and second control tiles as a group within the taskbar portion of the display including displaying a graphic group control for instantiating an action on the first and second control tiles (note the analysis of claim 5).

As for dependent claim 53, DragThing teaches the method as recited in claim 52 wherein instantiating an action on the first and second control tiles is selected from a group consisting of minimizing the graphical windows corresponding to the first and second control tiles, restoring the graphical windows corresponding to the first and second control tiles, closing the graphical windows corresponding to the first and second control tiles, saving data within the graphical windows corresponding to the first and second control tiles, and resizing the graphical windows corresponding to the first and second control tiles (note the analysis of claim 6).

As for dependent claim 54, DragThing teaches the method as recited in claim 48, wherein the displaying the first and second control tiles as a group within the taskbar portion of the display includes displaying at least a portion of the first and second control tiles, the method further comprising: obtaining an indication to collapse the group; and displaying the group solely as a group control tile (note the analysis of claim 7).

As for dependent claim 57, DragThing teaches the method as recited in claim 48, wherein displaying the first and second control tiles as a group within the taskbar portion

of the display includes displaying a continuous border around the first and second control tiles indicating the association of the first and second control tiles to the group (note the analysis of claim 12).

As for dependent claim 58, DragThing teaches the method as recited in claim 57, wherein displaying a continuous border around the first and second control tiles indicating the association of the first and second control tiles to the group includes displaying the continuous border in a color separate from a color corresponding to the taskbar (APPLE, page 2, par.2; color coded).

As for dependent claim 59, DragThing teaches the method as recited in claim 58 wherein displaying a continuous border around the first and second control tiles indicating the association of the first and second control tiles to the group includes displaying the continuous border in a color separate from any other color of a group on the taskbar (APPLE, page 2, par.2; border is colored black as depicted in the figure which is separate from the yellow, red, green, etc group colors).

As for dependent claim 60, DragThing teaches the method as recited in claim 48, wherein the computer system includes a third software application represented as graphical windows in the desktop portion of the display and as a control tile on the taskbar portion of the display when the third software application is instantiated on the computer system, the method further comprising: obtaining an indication to organize a

control tile corresponding to the third software application into the group corresponding to the first and second control tile; grouping the third control tile with the first and second control tiles on the taskbar portion of the display; and displaying the first, second and third control tiles as a group within the taskbar portion of the display (note the analysis of claim 13).

As for dependent claim 61, DragThing teaches the method as recited in claim 48, wherein the group corresponds to a project and wherein displaying the first and second control tiles as a group within the taskbar portion of the display includes displaying a project control for toggling the software applications corresponding to the first and second control tiles between a minimized state and a restored state (note the analysis of claim 15).

As for dependent claim 63, DragThing teaches the method as recited in claim 61, wherein the computer system includes a base project separate from the project including the first and second control tiles and wherein the first and second software applications belong to the base project (note the analysis of claim 18).

As for independent claim 84, DragThing teaches a computer system for managing a plurality of software applications, the system comprising: means for displaying two or more software applications as graphical windows when the two or more software applications are instantiated on the computer system; means for automatically

displaying two or more control tiles corresponding two or more software applications when the two or more software applications are instantiated on the computer system; and means for displaying the two or more control tiles as group in response to indication to organize the first and second control tiles (note the analysis of claim 13).

As for dependent claim 85, DragThing teaches the system as recited in claim 84, wherein the means for displaying the two or more control tiles includes means for generating a set of guides indicating one or more possible organizations of control tiles (note the analysis of claim 3).

As for dependent claim 86, DragThing teaches the system as recited in claim 84 further comprising means for instantiating an action on the two or more control tiles organized as a group (note the analysis of claim 5).

As for dependent claim 87, DragThing teaches the system as recited in claim 84, wherein the means for displaying the two or more control tiles as a group includes means for displaying a group control without displaying any portion of the two or more control tiles (note the analysis of claim 7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over DragThing.

NOTE: the explanation of relation of DragThing application corresponding to three references.

As for dependent claim 4, DragThing teaches the method as recited in claim 3, wherein the set of guides include a curved carat indicating the inclusion of a selected graphic control to a group and a straight line to indicate the exclusion of a selected graphic control from a group. However DragThing does not expressly disclose a carat icon or a straight-line icon for use of drag operations. It would have been

obvious to one of ordinary skill in the art at the time of the invention to present any type of icon to represent a drag operation let alone differing ones to mark differing functions of drag operations, because DragThing discloses the user able to drag and organize as well as the user of icons for performing drag operations and of course, those skilled in the art would appreciate that a carat or straight-line graphic could be used to denote any function but more importantly differing functions as taught by DragThing (DT2, page 8, par.6 and DT2, page 16, par.4)

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 10/08/2007 have been fully considered but they are not persuasive.

A1. The Applicant argues DragThing does not teach graphic controls corresponding to instantiated software applications.

R1. The Examiner carefully reviewed all of the arguments and statements by the Applicant and determined that DragThing does teach graphic controls corresponding to instantiated software applications as admitted by the Applicant on page 20 of the amendment. DragThing teaches that any number of docks can be displayed to the user by user control and DragThing teaches that a dock can provide to be an organization area to have current running processes (instantiated software applications) . The Applicant goes further to suggest that having more than one dock

would be to cluttering. The Examiner makes note that DragThing software allows the user to fully customize the layout and design of DragThing therefore allowing the system to produce only one "special dock" as quoted by the Applicant. (APPLE, page 2, paragraph 2; wherein described is how DragThing acts just like the well known "Dock" (brought to you by Apple featured in the Operating system 10/ X; [http://en.wikipedia.org/wiki/Dock_\(computing\)\)](http://en.wikipedia.org/wiki/Dock_(computing))) and includes a lot more functionality than the "Dock". APPLE states how you can manage current running applications in the DragThing system).

Therefore it is believed that the Applicant does not pose any other concerns other than the first argument mentioned above and therefore as believed by the Examiner that the current status of the claims as filed on 10/08/2007 are still anticipated by DragThing.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

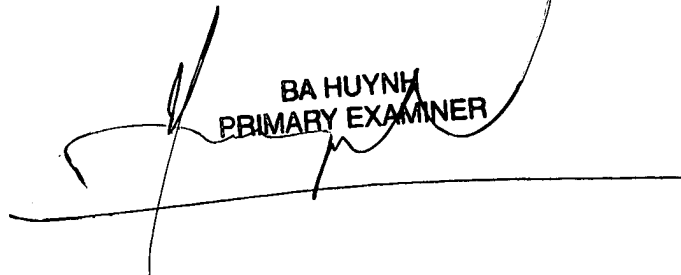
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N. Augustine
12/20/2007

Nicholas Augustine
Examiner
AU: 2179


BA HUYNH
PRIMARY EXAMINER